

AMENDED IN SENATE AUGUST 7, 2000  
AMENDED IN SENATE AUGUST 18, 1999  
AMENDED IN SENATE AUGUST 17, 1999  
AMENDED IN SENATE JULY 6, 1999  
AMENDED IN ASSEMBLY MAY 28, 1999  
AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 642**

**Introduced by Assembly Member Lempert**

February 23, 1999

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~~An act to add Division 21.5 (commencing with Section 31425) to the Public Resources Code, relating to coastal resources.—An act to add Chapter 9 (commencing with Section 1850) to Division 2 of the Fish and Game Code, relating to wetlands.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 642, as amended, Lempert. ~~Coastal resources: wetlands~~ *Wetlands mitigation and restoration banking.*

~~Existing law requires the State Coastal Conservancy to implement and administer various programs designed to conserve and protect lands, including wetlands, in the coastal zone, as defined.~~

*Existing provisions of the Keene-Nejedly California Wetlands Preservation Act require the Department of Parks*

*and Recreation and the Department of Fish and Game to prepare a wetlands priority plan and authorize the departments to acquire interests in wetlands and to enter into operating agreements with cities, counties, and districts for the management and control of wetlands or interests in wetlands or interests in wetlands acquired under that act.*

~~This bill would establish the California Coastal Wetlands Mitigation Banking and Restoration Act of 2000, which would require the Department of Fish and Game, in cooperation with other responsible federal, state, and local agencies, to adopt regulations that establish standards and criteria for a mitigation bank site qualification process, as prescribed, in the coastal zone, as defined, the evaluation of wetlands acreage and habitat values created at bank sites, and the operation of bank sites.~~

~~The bill would permit any person who desires to establish a bank site, as described, to apply to the department, and to any other appropriate state agency that requires a permit, for a determination that the proposed bank site and the proposed operator, as defined, qualify under the standards and criteria established by the department. The bill would prescribe procedures and requirements for the approval of a bank site. The bill would require the department, on or before January 1, 2001, 2002, and annually thereafter, to establish a database of all existing and operating wetlands mitigation banks in California and to report to the Legislature a description and evaluation of each existing wetlands mitigation bank site in operation as of January 1, 2001, and each bank site approved by the department thereafter, including specified information and recommendations.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Division 21.5 (commencing with~~
- 2 ~~SECTION 1. Chapter 9 (commencing with Section~~
- 3 ~~1850) is added to Division 2 of the Fish and Game Code,~~
- 4 ~~to read:~~
- 5

CHAPTER 9. WETLANDS MITIGATION BANKING

Article 1. General Provisions

1850. On or before January 1, 2002, the department shall establish an updated database of all existing and operating wetlands mitigation banks in California. To the extent feasible, the department shall use all existing information in compiling this database and shall utilize the CERES Environmental Data Catalog to make this information available to the public. The department shall update this database on an annual basis and shall include all relevant information required by Section 1851.

1851. On or before January 1, 2002, and annually thereafter, the department shall report to the Legislature a description and evaluation of each existing wetlands mitigation bank site in operation as of January 1, 2001, and each mitigation bank site approved thereafter. The report shall include, but not be limited to, all of the following information:

(a) The name, address, and telephone number of the person or agency who created the wetlands mitigation bank site.

(b) The name, address, and telephone number of the wetlands mitigation bank operator and the address or other appropriate physical description of the location of the wetlands mitigation bank site.

(c) The date the wetlands mitigation bank site was created.

(d) A description of the wetlands mitigation bank site's service area.

(e) A description of existing habitat functions at the wetlands mitigation bank site prior to its development as a wetlands mitigation bank site.

(f) The type and amount of financial assurances secured by the wetlands mitigation bank operator to ensure management of the wetlands mitigation bank site in perpetuity.

1 (g) Whether goals were established for the wetlands  
2 mitigation bank site and what percentage of those goals  
3 have been achieved.

4 (h) The number of wetlands acres and habitat  
5 functions created at the bank site.

6 (i) The number of credits issued and to whom.

7 (j) An assessment of the biological productivity of the  
8 created wetlands.

9 (k) A comparison of the wetlands acreage and habitat  
10 functions that were created at the bank site and those that  
11 were lost as a result of the permitted projects for which  
12 credits were obtained.

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15 **All matter omitted in this version of the**  
16 **bill appears in the bill as amended in the**  
17 **Senate/ August 18, 1999 (JR 11)**  
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